IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5895 OF 2005

Mr. Balkrishna Ramchandra Ambolkar ... Petitioner

Versus

Shree Ganga Darshan Co-op. Credit Society and Ors. ... Respondents

Mr. S.S. Redij for Petitioner.

None for the Respondents.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : JANUARY 17, 2006

P.C.

. The petitioner is a guarantor for a loan. The certificate has been issued. That has not been challenged. It is only when the proceedings in execution were commenced, that the Petitioner herein seeks to challenge the proceeding on the ground that the principal debtor has assets.

. The Petitioner being guarantor for the loan, the certificate can be executed against both principal debtor as well as the guarantor. Considering that this will not be a fit case for this court to

exercise its extra ordinary jurisdiction. It will always be open to the Petitioner, if entitled in law, to recover the amount from the principal debtor. With the above observations, Petition stands disposed of.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)